

Attorney Docket No. 06816-073003
Serial No. 09/933,684
Amendment dated July 7, 2004
Reply to Office Action dated April 7, 2004

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 6, 7, 12 and 13 stand rejected as being indefinite for including trademarks or tradenames. The trademarks have been removed from the claims in order to obviate the rejections thereto. It is respectfully suggested that the changing of NAFION to "co-polymer of TFE and fluorosuphonyl monomer" would not be new matter, since this would be understood by one having ordinary skill in the art.

This definition of the trademark has also been added to the specification and again it is respectfully suggested that this does not raise new matter issues.

The claims stand rejected based on Harada in view of Prakash; Debe in view of Prakash; Cisar in view of Prakash; combinations of these references in view of Grot; and in view of Narayanam. However, the claims are amended to obviate this interpretation by reciting pretreating to avoid wrinkling.

The specification on the top of page 8 describes that a membrane which is soaked in pure water will wrinkle upon contact with the catalyst. This results in a nonuniform catalyst later.

Attorney Docket No. 06816-073003
Serial No. 09/933,684
Amendment dated July 7, 2004
Reply to Office Action dated April 7, 2004

In order to avoid this, the present application describes pretreating the membrane in a way to reduce wrinkling of the membrane during subsequent processing. Nothing in the cited prior art is in any way suggestive of this anti-wrinkling treatment, and therefore claim 3 should be allowable, along with the claims 4-16 which depend therefrom.

New claims 17-20 have also been added, and define the anti-wrinkling treatment. As described above, this is in no way taught or suggested by the cited prior art.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


Attorney Docket No. 06816-073003
Serial No. 09/933,694
Amendment dated July 7, 2004
Reply to Office Action dated April 7, 2004

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 7, 2004



Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer Number: 20985
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10412717.doc